

Mr. OBEY. Can the gentleman assure us that every bill that has been conferred will, in fact, be found in the conference report?

Mr. DREIER. If my friend would continue to yield, I cannot provide assurance that my friend from Wisconsin will be completely happy with the procedure that will be followed.

Mr. OBEY. I did not think so.

Mr. FROST. Mr. Speaker, I have several questions, if I may. First, I listened carefully to what my colleague on the Committee on Rules said. I am not sure I understood exactly one point. Do we expect any appropriation bills on the floor on Tuesday, or are they only going to come up later in the week?

Mr. DREIER. At this juncture, we do not anticipate any appropriation conference reports to be on the floor on Tuesday.

Mr. FROST. If I could ask the gentleman an additional question, when will our business be completed for the week next week? Do we anticipate a weekend session?

Mr. DREIER. Do we anticipate? As my friend knows, the Continuing Resolution expires one week from tomorrow, and we hope very much we will have the work of the 106th Congress completed by that time. So, at this juncture, we hope that we will be completed by next Saturday.

Mr. FROST. Do we anticipate being here on Saturday?

Mr. DREIER. I think it would be great if we could finish it midweek and adjourn sine die, but that probably will not happen. At this juncture, we have until Saturday, when the Continuing Resolution expires; and it is our hope that we will complete our work by that time.

Mr. FROST. Should we not complete our work by next Saturday, by the day on which the CR expires, do we anticipate very short-term CRs after that? Can we tell how long the next one would be, if in fact the next one were necessary?

Mr. DREIER. We will obviously want to work closely with our friends on the other side of the aisle and down Pennsylvania Avenue to bring about some kind of resolution on that question. I think it is too early to raise that question, and we are all hoping that by the expiration of the Continuing Resolution next Saturday, we will be able to adjourn sine die.

H-1B NON-IMMIGRANT WORKERS FEE INCREASE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5362) to increase the amount of fees charged to employers who are petitioners for the employment of H-1B non-immigrant workers, and for other

purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. CONYERS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Utah (Mr. CANNON), my distinguished colleague on the Committee on the Judiciary, for an explanation and a discussion of the purpose of the bill that he offers.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill adds the final piece to the H-1B legislation that we passed earlier this week. There is widespread consensus that the \$500 fee for an H-1B visa application should be increased. The money collected in fees goes toward job training for American workers and scholarships for American students studying math and science. These programs will provide the long-term solution to the shortage of information technology workers plaguing our economy.

H.R. 5362 raises the fee to \$1,000. With the new H-1B quota of 195,000, this increased fee could raise almost \$200 million a year for job training and scholarships.

The bill also exempts primary and secondary schools and universities from having to pay the fee. These institutions are already doing their part to train American students for the jobs of the future.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, as I understand the amendment, the fee charged to employers for sponsoring an H-1B worker will double from \$500 to \$1,000. I support the increased fee, because we have a critical need to retrain America's workers and educate our children to meet the demands of the new economy and to better administer and enforce the H-1B program.

In fact, in my view, a larger fee increase may have been appropriate, in light of the urgent need for qualified American high-tech workers, particularly in minority and under-represented communities.

The allocation of the new fee makes the training and education of American workers and America's children a priority. Over half the fees will be used by the Labor Department to provide technical skills training for U.S. workers. Over 35 percent of the fees will go to scholarships for low-income persons and the National Science Foundation competitive grants for K-12 math, technology, and science education.

Now, it is common knowledge that the administration of the H-1B program by the Immigration Service and the Labor Department could be far better than it is. We have increased the funds allocated to each agency so that they can better administer and enforce

the programs, as well as reduce the horrendous backlogs in applications currently faced by employers.

We will review the implementation of the H-1B program in the next Congress, and I fully expect to see improvements in how these agencies handle the H-1B program. In other words, they should be held rather strictly accountable.

Mr. Speaker, because the fee increase will begin to address the needs of the American workforce, I support the bill.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I would like to extend my appreciation to my colleagues on the Committee on the Judiciary, first, for bringing this up.

This fee increase is one which was struck through an agreement in legislation that my colleague next to whom the gentleman is standing, the gentleman from California (Ms. LOFGREN), and I worked, beginning last October.

It is very important for us to recognize that while just 2 days ago we were able to pass legislation which does bring about that increase to 195,000 the number of H-1B visas, it is important for us to realize the long-term solution is to do exactly what my friend from Michigan has said, focus on scholarships for the National Science Foundation, increase math and science education at the K through 12 level, and realize that if we are going to have a workforce that is going to be globally competitive, we must have them trained and educated here in the United States.

Until that time, we have increased the H-1B visa level. We have had a bipartisan agreement to do that. It seems to me that this legislation, which I was very proud to introduce, after we passed the H-1B visa bill, along with the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, is one which we can move immediately.

Again, I would like to compliment my colleague, the gentlewoman from California (Ms. LOFGREN), and the gentleman from Utah (Mr. CANNON) and others who have worked long and hard on trying to move ahead with the package.

On this issue of education and math and science education, I specifically want to mention the gentleman from Michigan (Mr. EHLERS), who has done a great deal of work focusing on the importance of math and science training.

So I hope we can move ahead just as quickly as possible. Again, I congratulate all those who have been involved in this effort.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman from California (Chairman DREIER).

The gentleman reminds me that I have been discussing with the gentlewoman from California (Ms. LOFGREN) about how, in the next term, if we are fortunate enough to come back to Congress elected by our constituents, that we really begin to work on a larger plan that coordinates all of the efforts that some employers are engaged in; that the Department of Labor should certainly be working very hard at; that the Department of Education, for example, should be doing more.

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But I am still looking for, and I am willing to create with interested Members in the Congress, the omnibus inclusive program that really gets at the problem of the training, which, as we know, has the start in the very first grades. You cannot bring in a technical program for people who have not been prepared for the course studies.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I appreciate the comments of the gentleman from Michigan (Mr. CONYERS), the ranking member, as well as the gentleman from California (Chairman DREIER), the Committee on Rules.

I very much believe that this is the right thing to do today. As the gentleman from California (Mr. DREIER) referenced, this was the fee that was included in the bill here in the House. Because of the glitch, and I cannot argue with the parliamentarian in the other body, it could not be included, because revenue increases can only be instigated in the House and thus this is an essential thing to do. I do agree.

Mr. DREIER. Mr. Speaker, will the gentleman will yield further?

Mr. CONYERS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, that glitch happens to be article 1, section 7 of the U.S. Constitution.

Ms. LOFGREN. Mr. Speaker, I thank the gentleman very much for the reminder of the Committee on Judiciary members, the origin of the glitch.

Mr. Speaker, I would like to say, though, that I think that the issue of H-1Bs is more complicated than training programs; 98 percent of the H-1B visa holders have at least a bachelor's degree, half of them have a master's degree or Ph.D., so I am very much for the job training programs that are included in this. It is important, but it is a different employee group than the H-1B visa holders.

And for that, I am hopeful that we will be able to do additional funding and additional emphasis on math and science education, so that poor children who are in great numbers are not getting to colleges they should be and not getting into the Ph.D. programs as they should be will have that opportunity.

Mr. Speaker, I would further note that this is about not just shortage but excellence, and we will always want the ability to recruit worldwide. A country that would not want somebody like Linus Torvalds to be in America and want to be one of us is a country that is inexplicable.

So we will always want to be able to do that, but that does not obviate the need for putting massive effort and attention and additional resources especially into poor schools for poor children. We were losing bright minds. It is an outrage for those families and those kids, but further it is something that this country can no longer afford to do. So I am eager to support this.

Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member, for yielding to me. I am hopeful that next year we can do much, much more.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Houston, Texas (Mrs. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, continuing on the reservation of the gentleman from Michigan (Mr. CONYERS), let me thank the gentleman very much.

Let me acknowledge that there are elements in this UC that I certainly do appreciate. In particular, language taken out of H.R. 4227, the Technology Worker Temporary Relief Act, that has a recognition of the burden on primary and secondary educational institutions with respect to paying the fee.

These are entities that would put teachers into the primary and secondary public schools and, of course, this language came out of our bill. It was language that I drew from the gentleman from Texas (Mr. GREEN) in working with our local school districts, so I am very gratified that this lessens the burdens on our local school districts.

In addition, I think it is vital that we increase the fee, because, of course, one of the elements that many of us are concerned about with the H-1B philosophy, if you will, is the training that is necessary for American workers.

What I would say, however, as well, is that I wish we would have captured an opportunity to allow us for a full debate when this particular legislation came to the floor of the House, my reservations are that in that instance, we might have been able to go from 195,000 to 225,000. As the gentleman well knows, the industry said they need millions, but we did not do that.

I think we missed a very valuable opportunity, and I would just like to share with my colleagues just a few brief points on the continuing reservation.

There is nothing in this bill that requires H-1B tech employees to recruit, hire or train minority American workers. African Americans are only 11 percent of the high-tech industry, and

they continue to be underemployed. There is nothing that requires H-1B employees to make efforts to continually train and update the existing skills incumbent on American workers and to promote such employees where possible.

There is nothing in the bill that requires the employers to take constructive steps to recruit qualified American workers who are members of underrepresented minority groups, recruit historically black colleges and universities, Hispanic-serving institutions, and advertise jobs to reach out to older and disabled Americans.

There is nothing in this bill that deals with rural communities. Under the leadership of the gentlewoman from North Carolina (Mrs. CLAYTON), we have been working in our Congressional Black Caucus to deal with these kinds of needy groups. There is nothing in this bill that deals with protecting American workers and ensuring that the salaries are competitive.

Mr. Speaker, I applaud the industry and I applaud the idea that jobs in America creates jobs; we know that. But we missed a very valuable opportunity, both in the legislation on Tuesday and as well as in the UC, to be able to respond to those groups who obviously need to be addressed.

Let me conclude, as I continue my reservation, I am gratified that the bill that I sponsored, Kids 2000, is in the legislation that deals with boys and girls club grants, and glad that the DOL will be getting training money. My only angst is that the training money should be directed toward historically black colleges and other institutions to specifically focus on groups that need to be encouraged to participate in this very vital and vibrant industry.

I hope that in working with the administration, this time around, and working next time in the 107th Congress, if we are lucky enough to come back, Mr. Speaker, that we will look to these issues that are very important, that the training dollars will not randomly be sent to the State, but they will be designated to work on these issues that we think are so very important.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) because she had a bill directed at the points that she made; unfortunately, it was unable to be heard in the committee on which she is the ranking member. I think it gives us a direction for where we really must go in the next Congress. This is a good start, but it is only that.

I hope that the gentlewoman will join in the dialogue that I have just begun today with members of the committee to put together an omnibus package that goes way beyond just increasing the fee and passing it on.

We have to have a targeted national program if we are to get these youngsters that we all want to train into the pipeline to be able to get into the technical courses that would make them prepared to go into the high-tech field.

And so I only remind the Members of this, because the gentlewoman has been working tirelessly on this subject ever since she became the ranking member on the Subcommittee on Immigration and Claims.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would continue to yield so I may respond. I look forward to working with the gentleman on this omnibus effort as I think my colleague who will speak next, and we will continue to work in every direction that we can to really respond to the general need that we have on this very important issue of technology in America.

Mr. CONYERS. Mr. Speaker, continuing my reservation, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON) for her discussion under our reservation.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his generosity in yielding the time. I thank him for his leadership, and I thank all of those who are interested in raising the fees so that American workers can have the opportunity for training. I certainly thank the gentlewoman from Texas (Ms. JACKSON-LEE) who has provided untireless hours and vigorous leadership on this issue.

I guess part of my reservation is both process and substance. The process is that we did not have an opportunity to have just this kind of dialogue which apparently we agree on when we could have had this opportunity to enhance this bill.

It is not the issue of not increasing it, because we are not anti the opportunity of getting the kind of technological skills in order to make our companies ever profitable and allow it to expand and the growth opportunities there but the uncertainty of the fact that we could not have this honest democratic discussion about how we bring various parts.

I represent rural America, so I bring that bias or that perspective. In rural America, we do not have access to the Internet, nor do we use the Internet in the same proportion, and that is exacerbated, obviously, by the persistent poverty, the sparsity of population, the distance they have to travel.

So we are finding ourselves with acts like this and others further disenfranchising digitally because we do not have the infrastructure, and to allow this opportunity to pass and not to allow American citizens and children and workers in rural America to benefit from this is not to suggest that we should not recruit others. And I agree with my colleague, the gen-

tleman from California (Mr. DREIER), we certainly would be very narrow minded if we did not want to get the best minds worldwide.

But should we get the best minds at the expense of the best minds here? Should we indeed not do both? We can achieve both. I want to applaud what the gentleman is doing here, but I do not want the gentleman to think that I think we cannot do better this session. We ought to still stay engaged with the President and still stay engaged with that process to let him know we can perfect this.

The opportunity seems to me that we indeed ought to structure some of these funds so it, indeed, will go to those targeted areas.

My final comment is this, when America saw itself challenged 3 decades ago scientifically and astronomically, when we found ourselves behind the Russians, we made a commitment not just to recruit the Russian scientists here, we made a commitment to invest in our children, in our school. We are not making that kind of commitment.

And for my colleague from California (Mr. DREIER) who remarked this is short term; the gentleman is absolutely right, this is short term. It is short term, and if we keep doing it, it is going to become the most expedient way to do it, because it costs less to do this.

I want to make the plea to my colleague, we have to invest in our communities. We have to invest in our children. We have to invest in our workers. We have to invest in rural America so we can be a Nation that is proficient and enjoying the rising tide of this new economy, and we have to make that kind of effort.

It is not at the exclusion of bringing the best minds. This is not antiimmigration. This is an inclusive way, and it is to suggest that the information technology people, they understand the value of having a workforce here in America.

It seems to me that we short sighted their vision if we suggest that their only solution is that they must keep recruiting all their talents somewhere else. We did this in auto, and guess what? We found ourselves as American countries having competition all over.

I just want to challenge us, the most important integration bill we had on this House, we missed the opportunity to have this kind of give and take and discussion.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. EHLERS), a member of the Subcommittee on Energy and Environment.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding. I appreciate the opportunity to speak on this important topic. I am in agreement with much of

what I have heard today, but we have to recognize, as the previous speaker, the gentlewoman from North Carolina (Mrs. CLAYTON), commented, this is a long-term problem. It is also something that I have been involved in since 1967 when I was a physics professor and became very concerned with what was called at that time scientific illiteracy.

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It was clear the Nation had a major problem, so I dedicated myself as a professor of physics, first at Berkeley, then at Calvin College in Grand Rapids, Michigan, to trying to eradicate scientific illiteracy in the areas in which I dealt. I taught special courses designed for students who were not scientists, so they would begin to understand science and comprehend it.

That interest has continued, and I agree with the previous speaker, that this is a long-term problem that we have to address.

I have developed three bills which I introduced this past year. We have over 110 cosponsors of those bills, and I had hoped that we could act on them this year, but due to various circumstances, that did not happen, although one of the bills was reported out of the Committee on Science.

It is essential that we continue this. I have a brochure which I have handed out to many Members, and I will be happy to make available to any other Members.

The key point to recognize, first of all, we have a very serious problem in this country, but we also have a real blessing going on right now. The blessing is the tremendous economic boom we have enjoyed for almost a decade, which, according to Alan Greenspan and many other experts, is grounded entirely in the science and math developments of the recent past.

The research we have done has paid off, but we have not produced the manpower to keep the boom going, so we are forced to import scientifically, technically trained people from other countries. That is why we need the H-1B visas.

But that is a short-term solution. We need to do a better job of educating our citizens in math, science, engineering, technology, from pre-school through graduate school, if we want to continue to be competitive as a nation.

It is absolutely essential that we do that. The best place to start is our weakest link, K through 12 education. For a series of reasons, we are not doing a good job there. Evidence of that, of course, is the H-1B visa problem. Another evidence is that in any graduate school of science and engineering in this country, we will find over half of the students are from other nations. Our students cannot compete with students from other nations.

Another example of this is that we have 365,000 jobs open in this country

unfilled because we do not have qualified people to fill those jobs.

So in an attempt to solve that, I have introduced these three bills. I hope next year we can get this through. I hope we will be able to use some of the funding from the H-1B visa fee to propagate this and actually get at and solve the problem.

The previous speaker referred to the effort after the Russians reached space first. I have given a number of speeches entitled, "Where is Sputnik when we need it," because we need another Sputnik now to reenergize our people, to reenergize our Congress, and get this in, address this problem.

It can be addressed, and it is not all that expensive. We simply have to set our minds to it and do it, and do it right, so that we can produce a workforce that is technically trained, scientifically trained, and able to deal with the economy we have now, and keep this economic boom going so that we will all continue to enjoy a better life in the future.

Mr. CONYERS. Continuing my reservation of objection, Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding to me. I did not appropriately thank him for his leadership, and the members of the committee; and also for having the passion and understanding that though this came through the Subcommittee on Immigration and Claims, it is a Committee on the Judiciary issue, a full committee issue.

I am delighted that the gentleman from Michigan (Mr. EHLERS) talked about the reeducating of our youth. The point I wanted to focus on is that this is a continuing effort, this is not a one-time effort, as everyone has said.

But this is a time to speak to my colleagues who would think that it is a narrow issue. The issue should be that we leave, and I have heard this said before, we leave no one behind. Right now, even though we can focus on those K through 12 students which we want to excite about math and science, to project them into the future, let me just remind my colleagues that we do have existing American workers who, with cross-training, what we call incumbent worker training, engineers graduated from historically black colleges or Hispanic-serving institutions or individuals in rural America who are now ready to stand alongside of the immigrant visas we are giving.

It must be said as much as we fought on the issue of helping immigrants, particularly trying to restructure the INS, making things less bureaucratic, we know this is not an attempt to discard the talents that they bring, but it is to recognize that there are existing workers today, Hispanics, African-Americans, people who live in rural

communities, people who live in urban communities, who can benefit from the recruitment of the industry that we would like to see, from the collaboration and training in institutions that these individuals could get cross-training in, and as an engineer, be able to write software technology.

That is why I was saddened at the opportunity we missed with this legislation. I am gratified that the fees are raised, so we know we are committed to training; gratified that those public schools that need teachers coming in from foreign countries to teach, because we have a teacher shortage, now do not have to pay the fee; gratified that we have the Kids 2000 technology aspect; but hope that my colleagues, in keeping with the comments of the gentleman from Michigan (Mr. CONYERS) about an omnibus approach in the future, that we will be reminded of those underserved, underutilized communities, and underutilized American workers we have.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding.

I want to take a moment to thank those involved in this bill, the gentleman from California (Mr. DREIER) has worked indefatigably on this issue, as has the gentlewoman from Texas (Ms. JACKSON-LEE). We appreciate that. Her great leadership on the committee has been helpful.

The gentleman from Michigan (Mr. EHLERS) has worked very, very hard on these issues. We appreciate his comments, and those of the gentlewoman from North Carolina (Mrs. CLAYTON), who just spoke eloquently. We appreciate her concerns and leadership on the issue.

Mr. MOAKLEY. Mr. Speaker, the bill before us contains technical corrections and clarifications to the H-1B visa legislation which passed the House by voice vote on Wednesday and the Senate 96 to 1. This bill will increase the H-1B visa fee which will be used to train American workers in high tech jobs. It also goes further to protect non-profits affiliated with educational institutions, like teaching hospitals. This training money is a positive step. It is overwhelmingly supported by members in both bodies and on both sides of the aisle. I want to thank my colleague DAVID DREIER for his leadership on this issue.

Mr. GREEN of Texas. Mr. Speaker, I would like to thank Chairman DREIER and Congressman JOE MOAKLEY for including my bill into the H-1B visa bill. The American Competitiveness and Workforce Improvement Act of 1998 developed a new filing fee which must be paid by employers when they file H-1B petitions for "aliens in specialty occupations" before October 1, 2001. Certain employers are exempt from paying the filing fee, including institutions of higher education, nonprofit organizations or a Government research institute, it is my regret that this preferential treatment does not

extend to grades K-12. With this in mind, elementary and secondary-level education institutions that qualify as nonprofit organizations under the appropriate sections of the Internal Revenue Code do not qualify as "institutions of higher education," as defined by the ACWIA, and are thus not exempt.

In response to this confusion, The Department of Labor has identified the need to clarify the definition of exemption provisions as they apply to elementary and secondary-level education institutions. We offered H.R. 1573 to ensure that the same policies and objectives served by the ACWIA be extended to include elementary and secondary-level education providers.

The fee was paid by our public schools from property tax dollars to I.N.S. This bill will save our public schools scarce property tax funds to use for education.

I hope we can pass this legislation that would provide our elementary and secondary schools a chance to hire experts and teachers through the H-1B Visa program and save local tax dollars.

Mr. CONYERS. Mr. Speaker, because I support the bill, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITIES RELATING TO THE IMPOSITION OF FEES.

Section 214(c)(9) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)) is amended—

(1) in subparagraph (A), by striking "(excluding)" and all that follows through "2001)" and inserting "(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing before October 1, 2003"; and

(2) in subparagraph (B), by striking "\$500" and inserting "\$1000".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1(2) shall apply only to petitions that are filed on or after the date that is two months after the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5362.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?